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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/737,888	12/15/2000	Peter A. Barany	NORT-0063-US(12789RRUS02U	1988

7590 01/10/2005

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EXAMINER

ABELSON, RONALD B

ART UNIT	PAPER NUMBER
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2666

DATE MAILED: 01/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/737,888

Applicant(s)

BARANY ET AL.

Examiner

Ronald Abelson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 and 34-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 34-37 is/are allowed.
- 6) ☒ Claim(s) 1-5, 7, 8, 19-21, 29, 30 and 38 is/are rejected.
- 7) ☒ Claim(s) 6, 9-18, 22-28, 31, 32 and 39-45 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 20, 21, 29, and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Hamalainen (US 6,167,248).

Regarding claim 20 and 29, Hamalainen teaches an article comprising one or more storage media containing instructions that when executed cause a controller (mobile, col. 11 lines 49-53) to: send control signaling to request a channel for a packet-switched call over a wireless network (RACH, col. 11 lines 49-53) and add a predetermined code into the control signaling to identify the call as a packet-switched call (first three bits, col. 11 lines 53-57).

Regarding claim 21, the instructions cause the controller to send the control signaling selected from RACH, PRACH, CPRACH (RACH, col. 11 lines 49-53).

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Regarding claim 30, the control signaling comprises a random access channel (RACH, col. 11 lines 49-53), the random access channel containing the predetermined code (first three bits, col. 11 lines 53-57).

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claim 38 is rejected under 35 U.S.C. 102(a) as being anticipated by Fried (US 5,930,721).

Fried teaches receiving control signaling to set up a packet switched call over the wireless network, the control signaling carried in a first traffic channel (PDTCH, col. 5 lines 44-53).

Fried teaches establishing the packet-switched call over the wireless network (PDTCH, col. 5 lines 44-53). Note, the mobile may be in the idle or standby mode during cell reselection (col. 1 lines 32-35), thus cell reselection may occur in order to establish the call.

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Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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6. Claims 1, 2, 5, 7, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamalainen (US 6,167,248) in view of Fried (US 5,930,721).

Regarding claim 1, Hamalainen teaches a method of establishing a call in a wireless network comprising sending a request for a packet-switched call over the wireless network (request to set up, col. 11 lines 49-53).

Hamalainen is silent on communicating control signaling in a traffic channel of the wireless network to establish the packet-switched call.

Fried teaches communicating control signaling in a traffic channel of the wireless network to establish a packet-switched call (PDTCH, col. 5 lines 44-53). Note, the mobile may be in the idle or standby mode during cell reselection (col. 1 lines 32-35), thus cell reselection may occur in order to establish the call.

Therefore it would have been obvious to one of ordinary skill in the art, to modify the system of Hamalainen by communicating radio link control information over the PDTCH as taught by Fried. This would improve the system by providing a method of informing the mobile radio link information it requires for cell reselection before establishing the call.

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Regarding claim 2, sending the request in a random access channel (Hamalainen: RACH, col. 11 lines 49-53).

Regarding claim 5, retrieving a pre-assigned code to send in the request (Hamalainen: first three bits, col. 11 lines 53-57).

Regarding claim 7, communicating the control signaling comprises communicating the control signaling in a packet data traffic signal (Fried: PDTCH, col. 5 lines 44-53).

Regarding claim 19, bearer traffic in PDTCH bursts (Fried: packet transmissions, col. 5 lines 44-53).

7. Claims 3, 4, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Hamalainen and Fried as applied to claim 1 above, and further in view of applicant's admitted prior art 'AAPA'.

Regarding claims 3 and 8, although the combination teaches GSM, the combination is silent on EGPRS.

AAPA teaches EGPRS builds upon existing GSM systems (pg. 2 lines 9-15).

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Therefore it would have been obvious to one of ordinary skill in the art, to modify the system of the combination of Hamalainen and Fried by sending the request in a RACH channel in an EGPRS system. Adhering to EGPRS protocols can perform this modification. This would improve the system since GPRS/EGPRS complement existing GSM systems (AAPA: pg. 2 lines 9-15).

Regarding claim 4, sending the code in a channel from RACH, PRACH, CPRACH (RACH, col. 11 lines 49-53).

Allowable Subject Matter

8. Claims 34-37 are allowed.

9. Claims 6, 9-18, 22-28, 31, 32, and 39-45 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

10. Applicant's arguments with respect to claims 1-32 and 34-45 have been considered but are moot in view of the new ground(s) of rejection.

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The examiner agrees with the applicant's assertion that packet access grant channel is not a traffic channel (applicant: pg. 1). Therefore, a new search was performed.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Abelson whose telephone number is (571) 272-3165. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on (571) 272-3174. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Ronald Abelson

Examiner

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